



## COMMUNITY DEVELOPMENT DEPARTMENT

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236  
Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov)

### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

JUNE 22, 2010

PRESENT: Mueller, Tanda, Escobar, Hart, Koepp-Baker, Liegl,

ABSENT: Moniz

LATE: None

STAFF: Senior Planner (SP) Linder, Senior Engineer Creer (SCE) and  
Development Services Technician (DST) Bassett

Chair Mueller called the meeting to order at 7:00 p.m., inviting all present to join in reciting the pledge of allegiance to the U.S. flag.

#### DECLARATION OF POSTING OF AGENDA

Development Services Technician Bassett certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### OPPORTUNITY FOR PUBLIC COMMENT

Chair Mueller opened, and then closed, the floor to public comment for matters not appearing on the agenda as none were in attendance indicating a wish to address such matters.

#### MINUTES:

April 27, 2010

**COMMISSIONERS ESCOBAR AND KOEPP-BAKER MOTIONED TO APPROVE THE APRIL 27, 2010 MINUTES WITH THE FOLLOWING REVISIONS:**

**Page 13 Paragraph 2-5:**

**Mueller:** ~~Should we drop some of the stale projects off right now?~~ **Is there anybody we need to put the squeeze on at this time?**

**Rowe:** **Not really**, the two projects in the downtown and the Granary are now exempt under Measure A.

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 2

Mueller: **If they're going to give up those allocations**, then we ought to officially ~~drop those allocations off~~ **take them away so they can get folded into future years.**

Rowe: **The Council took action last June to extend the commence construction deadlines until the year 2011. Now that the Downtown Plan has been adopted there is really no justification to keep extending those allocations out any further. But** we will continue to track them until they indicate they're either not going to proceed under these allocations **and come in with a different project under Measure A**, or the commence construction date is passed.

**THE MOTION PASSED (5-0-0-1) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: MONIZ.**

### PUBLIC HEARINGS:

#### 1) USE PERMIT, UP-10-03: JACKSON OAKS- PRESCHOOL:

A request for approval of a conditional use permit to operate a 5000 sq. ft. preschool/daycare at 16820 Jackson Oaks Dr. (existing commercial building at the corner of Dunne Ave. and Jackson Oaks Dr.) APN 729-13-031

Linder presented her staff report.

Liegl: According to Title 22, they're supposed to have a bathroom for each 15 children. What about the 15 adults? How are the 15 adults accommodated?

Linder: I do not know if they would have to add a bathroom, according to Title 22. There are four bathrooms present. If it is required that they have another one, they would have to do that as part of a tenant improvement.

Tanda: You mentioned that you felt the majority of the children would be coming from within the subdivision. I thought in the report it was the opposite—that the smaller number would be coming from the subdivision.

Linder: No, it would be from the subdivision, since it is felt that very few people would be coming from the valley floor. I am anticipating that most people would be coming from Holiday Lakes and Jackson Oaks, as opposed to people coming up the hill.

Tanda: Do you have any idea how many would be coming from below the project?

Linder: I do not. Maybe the applicant has done some homework in that regard.

Mueller: Just to clarify, the trip generation is looking at the worst case scenario. The turning movements would all be new but the overall traffic in the neighborhood wouldn't see that new trip generation because people would be passing by to go to and from work.

Tanda: The trip generation does account for multiple students in a car, otherwise you'd have 60 trips in and out just for students.

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 3

Linder: When I looked at it on a student breakdown, there would be four trips per student plus 30 on top of that for staff, and many of those would probably leave for lunch. It came out about the same as the ITE manual.

Tanda: The trip generation counts for all trips, including employees, students, deliveries, etc. It does factor in multiple people per vehicle.

Creer: What it doesn't factor in is the uniqueness of the site, in this case where Jackson Oaks is basically a large cul de sac and is up on the hill, and will mostly be utilized by people up in that area.

Sue: Did the applicants submit an ingress/egress plan and a debarkation point for the children? They will most likely have to be accompanied by an adult to get into the building. Where would that be? And how would they address all those parking spaces right in front of it?

Linder: The applicant hasn't indicated that these would be reserved in any way. That is something that could be looked at. It is assumed that the car would be parked and the child would be escorted to the entry by an adult.

Koepp-Baker: I visited the site today and I tried to figure out a way to get in and a way to get out with the least exposure to children. I couldn't figure out how it could be done.

Linder: It's a dead end parking lot, so I don't know if there's a way to escape that.

Mueller: For the record, I visited the site on Saturday.

Escobar: Do we know what the width of the current driveway is?

Linder: It's pretty wide. And there are three different points of entry.

Mueller opened the floor to public hearing.

Mr. Jump, the applicant, appeared.

Mr. Jump: To answer some of the questions, Unit C would be where the children would check in. Each unit has interior access. Parents will have to walk their children across the parking lot, the same as they do at a grocery store or other public place. In response to Title 22, we have been told that the adults can use the same bathrooms as the children.

Liegl: Are all the bathrooms unisex?

Jump: Yes.

Liegl: Are there any handicapped bathrooms?

Jump: I do not know for sure. Maybe the owner can answer that. We understand that there are concerns with the neighborhood. We just want to reiterate that we

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 4

want to be good neighbors and we're willing to comply with what staff has asked and we want to make people as happy as we can.

Koepp-Baker: When you did your market research, what kinds of numbers did you come up with for the number of children in Jackson Oaks and Holiday Lakes?

Jump: We weren't able to get conclusive numbers. Right now it's an assumption. That is where we'll be doing our marketing.

Koepp-Baker: So your decision to locate there was based on the fact that the building was there.

Jump: It was based on the fact that there are a lot of families there and the assumption that most of the clients would be from that neighborhood because it would be convenient for them. We looked at the fact that it was a commercial building with a lot of residences nearby. So we felt it would be a good location.

Koepp-Baker: Is this program going to be based primarily on daycare, or is it a graduated education system?

Jump: We will have children 18 months to five year olds there. There is a toddler program and then a preschool program for 3 to 5 years old. That will be an education/learning based environment to get them ready for kindergarten. Both programs will have a strong focus in learning, not just daycare.

Liegl: 18 to 36 months will be your feeder group, the group that feeds into the next group?

Jump: Yes.

Koepp-Baker: This mentions having 15 children on the playground at a time. How will that be done?

Jump: Each class will go outside at separate times during the day. For preschool age it will be 12 at most at a time. For toddler age it will be ten. Typically, they will go outside twice a day for half-hour periods.

Liegl: How many instructors will there be per classroom?

Jump: There will be one for each classroom with one aide for the three preschool classes and one aide for the three toddler classes, and that complies with Title 22.

Tanda: If there are 12 for each preschool class and 10 for each toddler class, that would be more than 60 children.

Jump: Correction, there will be 12 in each preschool class and eight in each toddler class.

Tanda: As I recall, for children that age the toilets have to be very small. Are you retrofitting everything?

**PLANNING COMMISSION MEETING MINUTES**

**JUNE 22, 2010**

**PAGE 5**

Jump: Regular sized toilets can be used if there is a stepstool.

Mueller: Looking at the drawings, it looks like there are two restrooms in Unit C, but Units A and B share. Is that right?

Jump: There are two in unit B, two in unit A and one in Unit C.

Mueller: Are they just separate stalls or are they separate bathrooms?

Jump: There are two separate bathrooms with a wall between them.

Escobar: How much experience do you have in operating a daycare?

Jump: I don't have experience in the childcare field, but we are required to have someone on staff who is licensed. We have hired someone with 20 years experience.

Escobar: But to answer my questions, how much experience do *you* have in childcare?

Jump: None.

Escobar: Has the person you are hiring ever managed a daycare?

Jump: She is currently the director for a facility in Willow Glen that has a higher capacity than we have. All the teachers that we hire have to meet state standards also.

Koepp-Baker: What is the curriculum?

Jump: We are leaving the curriculum and the development of the programs to the director, because she is the one with the experience in that area.

Liegl: What qualifies you to speak on behalf of the school?

Jump: I am part owner. My partner is in Utah. This has been a dream of mine and my wife's for a long time.

Mueller: So there are four teachers for 36 children, ages three to five? And 3 teachers for 24 children ages 18 mos. to 3 years? That is one for each eight children.

Jump: Correct, within the industry that is a good ratio.

Tanda: If you have a staff of 15 but only eight on at a time, what will the other seven be doing?

Jump: Half will be there in the morning. The other half will be in the afternoon, and there will be one director all day.

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 6

Mueller opened the floor to public hearing.

Glenn Pace, a Morgan Hill resident, appeared in support of the project.

Pace: I have a long history with Jackson Oaks. I was the original sales representative in 1969. I have lived in Jackson Oaks for 35 years. We raised our two children here. Our sales office was once on the exact site of the daycare center. I am very familiar with the site. I am president of a Morgan Hill based real estate development company. I have considerable experience in creating real estate values. This is what our company does. I have no association with the owners of the property. A few days ago a brochure was dropped off at my door referring me to a website. It said the preschool would depress real estate values and create excessive traffic. There are roughly 1,200 homes in the area. I have been driving up and down the hill for 35 years. I don't think this business would change the LOS (levels of service) or traffic impacts at all. The brochure also said that Jackson Oaks has a lot of older residents and does not have children that need a daycare. When this subdivision was designed, it was not designed as a senior community. It was designed for families. It is important for neighborhoods to have children. Why would we not want to exclude what most of us hold dear, which is our children? I do not agree that the lower cost of tuition is a negative. I think that education is a positive. The brochure struck me the wrong way. It was misinformation handed out to people and it certainly does not speak for me, and that is the reason I am here. My children are grown, but I don't want to deny others the opportunity to have their children in school. This school will not cause values to go down. I suspect that it will cause them to go up. In communities we are developing throughout California, we insist that schools be included in neighborhoods because they are desirable and people will pay a premium to live there. Many commercial uses have been tried in that site but have all failed. This seems like a business that would be an asset and would have a good chance of succeeding. And I strongly encourage the Planning Commission to approve this application.

Leo Radlo, a Jackson Oaks resident, appeared to oppose the project.

L. Radlo: I'd like to add one item that was not covered in our letter that we previously submitted to the Planning Commission. The website does mention allowing children to spend the night, which does seem inconsistent with the hours proposed. I and my wife work on a social committee. We try to get social functions going for kids. The social committee does have experience with this age group. We have not found young children in the neighborhood. So if it is going to be attracting children that are not from the neighborhood, then traffic will be a problem. If we have low tuition, will we have residents willing to save money and drive up the hill? We already call it the Jackson Oaks speedway. I see it as traffic risk for cars coming up and having to make a left hand turn. Regarding noise, we talked to people that live near schools. One of them complained about the air conditioner noise. If you close the doors to keep the sound in then the air conditioning goes up. One man near Nordstrom school told us that there is a problem with people parking on the streets. And I don't know if we can decide that most of the students will be coming from within the neighborhood. There are no guarantees. This is a preschool, not a school, but we don't have sidewalks so

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 7

parking on the streets would be a problem. We are also concerned that Mr. Jump doesn't have experience running this type of business. We found that people living near schools think that the noise is excessive coming from the school yard. This is a neighborhood with older people. We come home to enjoy peace and quiet. We are concerned that the noisy children will disrupt the peace and that will affect property values. I spoke to a real estate agent and he said property values would drop because a school yard is noisy.

Escobar: Where do you reside in relationship to the site?

L. Radlo: Across Jackson Oaks Drive. I can look across my driveway and see the school.

Mueller: Are you on the north or the south side?

L. Radlo: I am on the south side, the house on the corner.

Sumiko Kudrick, a Jackson Oaks resident, appeared in opposition to the project.

Kudrick: I live in the house on the east side. We have lived there for the last 24 years. Through the years, we have seen businesses come and go at the center. None have been successful. We are against the preschool/daycare at this site for several reasons: We believe the site is too small for a daycare. Other preschools in the City occupy at least an acre and have larger play yards. I am not happy with the noise of the children or the air conditioners. Residents near other daycares have many, many complaints about the noise and severe traffic congestion. Jackson Oaks street is too tiny. I have almost been hit many times when I slow down to make a left turn. Would you like to buy our house next door if you had to listen to the noise of many children and the air conditioners? We are really against the preschool.

Bill Oliveri appeared to oppose the project.

Oliveri: I have lived here since February of 1981. Just about every day I go past the proposed site. What I have noticed over time is that the demographics have changed. The percentage of homeowners with children under five years has steadily decreased. There are maybe more children in homes with renters, but I don't know how many renters there are. The planner mentioned that a 7-11 store would have more traffic. But every store that has been there has failed. This is not a good site for a convenience store so it can't be compared with a convenience store. Has anyone ever considered rezoning the use of the land to make it residential? A duplex or something like that would be a much better utilization of the property. I think that this business has a very small chance of making it there.

Mueller: Where do you live in relation to the site?

Oliveri: I live just off Oak View Circle, which is several blocks away but I have been going by the proposed site at least once a day since 1981.

Ginger Radlo appeared to contest the project.

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 8

G. Radlo: There is one person here, whose name I won't mention, who is already considering selling his home. He thinks his property value is going to drop drastically. He is feeling desperate. He and I don't trust what some realtors are saying. There is an emotional component to real estate. If people think values are going to go down, then they do go down and it is harder to sell properties. I just don't want that to happen to Jackson Oaks.

Tanda: You submitted a letter dated June 22<sup>nd</sup> stating you represent Jackson Oaks residents. How many Jackson Oaks residents do you represent?

G. Radlo: Just myself.

Tanda: When you identify yourself as representing Jackson Oaks residents, I had the impression that it was many residents.

G. Radlo: No, it is just one.

Prem P. Gupta, owner of the property, appeared.

Gupta: I disagree with the suggestion that this property should be rezoned to be residential. This has been a commercial property for over 30 years. This has been a very difficult property to fill with tenants over the last 30 years. There is a handicapped bathroom in Unit A. As far as traffic is concerned, there are three units: Unit A, B and C. I took ownership of this property in 2002/03. The property was fully occupied. There was an interior designer in Unit A, a convenience store in Unit B and a Massage and Day Spa in Unit C. Previous to my ownership there was a grocery store, a hair salon and some offices. In my opinion, one business in three units would bring less traffic than three different businesses in three units. The site has been vacant for the last year and a half. I put up a "For Rent" sign. I received three responses. One possible tenant expressed an interest for a liquor store. I did not approve of that tenant. Another tenant wanted to put a large walk-in freezer to store dead human bodies in that location and from there they would be shipped to relatives overseas. I did not approve of that one either. The third business was a preschool and daycare. I think that is one of the best possible uses for that neighborhood. Three separate businesses would bring more traffic than one business. And the children would be arriving at separate times, so I don't think traffic would be a problem. Regarding the air conditioning, this building has been there for 30 years. There was air conditioning on the roof and there has never been a problem or complaint. The air conditioning will not be modified. As far as noise from the children, not all of the children will be outside playing at the same time. I don't think property values will drop by opening a preschool. It will enhance property values because it will serve the local community. People who use the daycare will be people who live near it.

Silke Wenzel appeared to oppose the project.

S. Wenzel: We heard the word "assume" and "hope" used too many times. What kind of research was done here? This whole project is run on assumptions by a person who has not been in the business. There are not enough young children in



## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 9

the neighborhood. My husband and I have two children but they are over five years old. What is the comparison to a 7-Eleven store? Yes, there has been an interior design place but it was only used for storage. The day spa was actually a massage parlor run by some Asian people. The police were at my house several times to ask if they could watch what was going on from my property because they suspected illegal activity. Mr. Gupta said there was a convenience store. But that market never opened. I understand that Mr. Gupta wants to rent the place but the only reason he wants to do that is because he can't find a tenant. Regarding the noise, 15 kids at 30 minutes each would be three hours of uninterrupted noise. That would be a lot of noise. If you want to hear that kind of noise, please go to Chuck E. Cheese's and see how you like it.

Escobar: You raised the issue that Asians managed a shop. Were you trying to make a point by that?

S. Wenzel: No, I am from Germany so I don't have an opinion about that. I was just pointing out that the police were checking into it.

Escobar: Okay, it just drew a concern for me that you would make a point of their ethnicity and I wanted to know if you had any intent there. Let me ask, what noise level do you expect to hear?

S. Wenzel: More than I would like to hear because our yard is right underneath the site.

Escobar: I got that, but what noise level would be acceptable to you? You're here protesting so I assume you would have some sort of opinion to give on what sort of noise level you can tolerate.

S. Wenzel: I would prefer that all the children be outside at one time for a half-hour, so that I would know when to shut the windows. Aside from the noise issue, I agree that this neighborhood is not the right place for a preschool. Having been a realtor for six years, I have seen that there are hardly any young kids up there because of the hilly location, I guess.

Escobar: When were you a realtor?

S. Wenzel: Between 2001 and 2007.

Jens Wenzel appeared to contest the project.

J. Wenzel: I agree with many things Mr. Pace brought up. Things that attracted us to the neighborhood were that it is nice and quiet and we have raised our kids there. But we are very concerned about the traffic. We know that it is going to be way more than 70 car runs. We question that the assumptions are correct and whether there was solid research being done. Another inconsistency is the affordable tuition. The demographics of the neighborhood are such that the residents are getting older. Very few of them have young children. The homeowners in the neighborhood have lived there for longer and their children have mostly grown and gone. That is a fact. But I haven't done any studies. Regarding the tuition, if it is

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 10

very affordable, then people will make a special trip to this location rather than paying extra rent. People commute for that same reason. I don't agree that it will only serve the local community. I appreciate the owners' efforts, but I believe they are new to this type of business. Also looking at the kids' break time, spreading it out over a three hour period is a long time. The play yard is too small anyway. I am very astonished about the small amount of facts and research presented.

Ricmore Munkvold appeared in opposition to the project.

Munkvold: I second Mr. Wenzel's concerns. I have lived there for 26 years. My main concern is the noise level and the traffic. In terms of the home values, I did call several real estate agents to get their opinion as to what might happen to property values. The responses were mixed, but most said the property would be less desirable due to the noise level.

Mueller: Where is your house located?

Munkvold: I am to the right of them, so I am very close to that building.

Philip Bogosian appeared to oppose the project.

Bogosian: I am a small business owner in Morgan Hill. I live with my wife and four year old in Jackson Oaks. The property is several blocks away from this facility. I have been in business since 1989. I put research into my customers. I have not seen any such market research. I haven't seen any flyers from the HOA. I also don't see the 18 month to 5 year olds in our neighborhoods. I don't know where these kids are going to come from. I suspect from out of the area. Perhaps we could see the applications with that information to verify the numbers. Also, this parking lot is a dead end. It is not designed for school kids. You do not want traffic to dead end. It will cause traffic to back up and then end up on the street. A comment to the owner of the property, I moved my business from San Jose to Morgan Hill two years ago. I love it here. I do all my business in Morgan Hill. I considered this property for my company. We're research development. We don't have any traffic. It was perfect for this location. But we wouldn't do it because of the brothel located there. It is unfortunate, because it kept people like me from considering this as an acceptable location for a business.

Escobar: Where do you live in relation to the property?

Bogosian: We live on Jackson Oaks Court, about four blocks away, but passing this location is the only access to our house.

Jeff Dixon, a Jackson Oaks resident, appeared.

Dixon: My wife and I love our home that we moved into in 2002. But it took me four years to convince my wife that we chose the right location to live. I don't have an opinion on whether this is the right business for this location. It is a street where people speed. I've already had a cat killed. I'm glad to see that the police seem to be doing a traffic count. The speeds going up and down that hill are pretty excessive. It is a very busy street between 6:00 am and 9:00 am every morning and

# PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 11

4:00 pm and 6:00 pm every night. But I haven't seen any cars or tire tracks that have overshot the intersection. Everyone seems to stop at the stop sign. My wife and I attend the social functions and I've noticed that the demographics of the community are changing there all the time. There has been an influx of families with younger children, but it does seem to be more of them have children 10 years and above or have no children at all. One opinion I have is that the building has been lying empty or used badly since I've lived there. So anything that brings a viable business is a good thing. But that thing has to be good. The neighbors are right to be concerned about the noise. We are asking for careful consideration so that the decision made is a good one.

Mueller: You said that there was a traffic count or speed survey being done?

Dixon: I noticed cable across the road on East Dunne and also right across from my house, so I thought so.

Mueller: We have a City Engineer here tonight who should be able to tell us.

Dixon: I do notice that everyone speeds on that street all the time.

Tanda: Are you a member of the Homeowners' Association? And has the HOA taken a position on this?

Dixon: I haven't seen anything. It probably hasn't even gotten in front of them yet.

Creer: The traffic cables only count cars, not speed.

Fred Mortensen appeared on behalf of the applicants.

Mortensen: Sitting through this hearing reminds me of my career, but I retired 20 years ago.

Mueller: For information, Mr. Mortensen was the City Manager here for several years.

Mortensen: It's nice to see that local government is functioning and people are allowed to make their objections and staff listens. I am impressed with the staff report. It is very comprehensive. It is a positive one, while most of the speakers tonight have not been. This site has been here longer than any of these residents that have spoken tonight. When I heard of this idea of a neighborhood daycare center, it immediately struck me as a good one. I appreciate that it is the immediate neighbors who are most concerned. But when the immediate neighbors bought their homes, they knew it was a commercial site. That is something they knew then and have to live with now. It is a lot to expect of the property owner to leave it vacant forever just so you don't have to hear the noise. I believe that turning it into a duplex would actually decrease values more than a daycare. I believe it is probably a better use than has happened in the past. I can't believe that out of 1,200 homes there aren't at least 60 kids in those homes that fit this demographic.

Mueller: I would like to ask the applicant to come back up and address some

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 12

questions.

Jump: In answer to some of the questions, the low tuition is a promotion for signing up that ends by July 1st. It then goes back up to \$1,200 per month for toddlers and \$1,000 for preschoolers. Our discounted rates are right around or higher than those of daycares along Monterey. Another thing is the overnight care—that is no longer being offered. Regarding the outdoor space which someone said seems too small, Title 22 requires 75 square feet per child, so it is more than adequate. I heard questions about my ability to run this business and what would happen if the director resigned. We had more than 200 applicants for the positions. When we interviewed employees, many of them applied for the director position and many of them could qualify for that.

Mueller: So if the director left, according to Title 22, you would have to hire another one that meets the minimum level of experience?

Jump: That is correct, as well as with the teachers.

Koepp-Baker: Did you approach the HOAs about your anticipated project?

Jump: Not yet. We have done market research about the City of Morgan Hill in general. But specifically in Jackson Oaks, it has been limited to driving the neighborhoods and looking for play structures, etc. From what I understand, that community is a bedroom community where families buy larger homes because they can afford them.

Koepp-Baker: I used to fund 3 daycares, and for children that age, there were multiple aides required for each classroom because there was diaper changing, etc. Are you going to require that the children be toilet trained before they come in, because one aide for three rooms won't do it?

Jump: I respectfully disagree. From our research and state requirements, the ratio of one adult to each eight children is a better ratio than most preschools in the area provide.

Tanda: Regarding the traffic flow, how do you see that working to ensure an adequate safety level for children and parents?

Jump: Based on my own calculations, the trip generation will be a lot less than the formulas projected, probably around 150 trips per day. As far as peak hours, children will be coming at different times. I don't anticipate more than 12 at a time. There won't be a time when everyone is dropping children off at the same time. It will be spread out. We also looked at other preschools. Many of them have dead end drive aisles. But ours is significantly wider than most, so there is room to U-turn.

Tanda: Shouldn't you have data to support the numbers of children and cars and when they arrive?

Jump: There are two half-day programs. So the traffic would be dropped off and

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 13

picked up at different times.

Tanda: So that would actually compound your traffic problem.

Jump: I don't see that that's the case.

Liegl: There is a way to redesign the drive aisle by removing the storage and moving the playground that would accommodate the traffic. What I'm saying is that there are alternatives for designing the traffic.

Jump: We have looked at several different ways to do it.

Mueller: Have you gotten a lot of response for enrollment?

Jump: Not yet, we thought we would have more by now, but we think as we get closer to the schools enrolling again, that we'll get more response.

Escobar: Are you doing direct marketing or only on your website?

Jump: We're distributing brochures to banks and people's workplaces, we're using Craig's List and we marketed at the Mushroom Mardi Gras.

Tanda: Shouldn't your marketing efforts be directed to the people on the hill?

Jump: Yes. We're marketing everywhere. We haven't hit our marketing very hard yet. Most of what we've done has been online.

Koepp-Baker: According to the map, are the children going to be checking in at Unit A?

Jump: They'll be checking in at Unit C. There is access to all the units from there. We may have the units switched on the map.

Mueller closed the floor to public hearing.

Mueller: Scott, could you address the traffic issues in that area?

### **Discussion**

Creer: I have never taken a call in the past 20 years with regard to traffic complaints in that area. However, we do speed surveys and traffic counts on a five year cycle within the city. The hoses that we have placed there were done in order to determine if there have been changes in the amount of traffic. We do not have that data yet. The counts that were done in 2005 indicated there were about 2,300 cars coming in and out of Jackson Oaks. I do not have a count on peak but it would be about 20%. We do not radar that street because the speed limit is 25 mph. Obviously the hill poses a problem with speeds. But as one gentlemen said, there haven't been any problems with cars that have overshoot the intersection. There is a stop sign and people generally come to a stop at the sign.

Mueller: Did you say you do check the speeds?

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 14

Creer: No, we do not do speed checks on that road—only on roads with speeds more than 25 mph.

Koepp-Baker: Would you hear if the Police Department had received complaints?

Creer: Generally we work cooperatively with the Police Department. If they receive a complaint they'll feed that to me. And we support each other when possible. But we don't get a response to accident data because there are so many variables associated with that, such as drunk drivers, etc.

Mueller: I'm hearing that there are several issues: traffic, ingress/egress and noise.

Tanda: I am concerned about those items and I'd like to see some research, especially regarding traffic flows. Also, regarding the attendance, if the bulk of the attendants were from the valley floor, it doesn't automatically make it bad but it's something we should be aware of. I'm also concerned about the noise of the children. I think it would actually be six hours per day. But this is a commercially zoned property and commercial business generates noise. If we limited all noisy children from neighborhoods, we'd have no schools. I'd just like to see more information on the traffic levels and attendance.

Escobar: I would like to start by saying that a daycare there seems like a good project. Everything else that has been tried up there has had limited success. The traffic issues will vary depending on the kind of use. At one time there was a video store which generated a lot of traffic until about 9:00 pm. I am concerned about onsite and offsite traffic. But I believe childcare is an appropriate use. I didn't get a lot of confidence about what has been done to make it a successful business and we don't want to put something up there that is going to fail. Regarding the noise issue, it is a commercial site. Homeowners near there knew that when they purchased their homes. Nothing was ever said that there wouldn't be commercial noise. But I think there are ways to manage it. I would be more comfortable if I felt like the research and experience were there to support the business.

Liegl: I am very concerned about the lack of data. I have too many questions at this point.

Koepp-Baker: I will agree with John. I would never enter into a business without doing the market research to show that the business would be supported. If you haven't approached the homeowners' associations, and your marketing is being done online, I am concerned about your ability to be fully enrolled by September. But my principal concern is about the safety of the children in the parking lot. That needs to be addressed.

Escobar: If there were 60 children that could be users from the neighborhood and if the noise levels could be mitigated and if the traffic circulation and parking issues could be resolved, would you be supportive of a childcare facility?

Koepp-Baker: If the variables could be controlled, I believe I would.

Mueller: Let me just caution everyone that we are not allowed to look at the

## PLANNING COMMISSION MEETING MINUTES

JUNE 22, 2010

PAGE 15

economics or the experience of the business owner in making a land use decision. Market factors will determine the success. We can only look at the zoning, traffic, noise levels and impacts on the neighborhood. So the legitimate concerns are the noise levels and the ingress/egress to get traffic in and out. I'd like to see more research done. I'd like to see mitigation measures addressed. I'd like to see some of that come back and let's see if we can work on the concerns of the neighborhood. Scott, I'd like to ask if you and PD could run a car up there and check on the speed issues.

Creer: I'm sure Officer Pennington would love to go check it out. But be careful what you ask for, you may get it.

Mueller: But it would be nice to have an officer go up there to see what's going on. I would suggest that we continue this item to give staff an opportunity to work with the applicant to address some issues. I would also encourage the applicant to talk to some of the immediate neighbors. I believe we need a motion to continue. Terry, would it take two weeks or four weeks?

Linder: I can't physically do it by the first Planning Commission meeting in July because of all the other items already on the calendar. It would have to be put out until August.

Mueller: The August 24<sup>th</sup> meeting is cancelled.

Jump: We are set to open August 2<sup>nd</sup>. Could we request that it be heard sooner rather than later?

Mueller: You cannot open until you have a use permit.

Jump: That is why we would like it to be as soon as possible.

Linder: It will have to be August 10<sup>th</sup>.

Tanda: Does staff know specifically what the Commission would like to see in that report?

Linder: I have noted traffic, safety in the parking lot, play area alternatives such as location and periods of time to mitigate noise, and speeding on Jackson Oaks Drive.

**COMMISSIONERS ESCOBAR AND KOEPP-BAKER MOTIONED TO CONTINUE AGENDA ITEM NO. 1 TO AUGUST 10, 2010.**

**THE MOTION PASSED (5-0-0-1) WITH THE FOLLOWING VOTE:  
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: MONIZ.**

ANNOUNCEMENTS / None.  
COMMISSIONER  
IDENTIFIED ISSUES

**PLANNING COMMISSION MEETING MINUTES**

**JUNE 22, 2010**

**PAGE 16**

**CITY COUNCIL  
REPORTS**

None.

**ADJOURNMENT**

Noting that there was no further business for the Planning Commission at this meeting, Chair Mueller adjourned the meeting at 9:30 p.m.

**MINUTES RECORDED AND TRANSCRIBED BY:**

---

**ELIZABETH BASSETT, Development Services Technician**

R:\PLANNING\WP51\MINUTES\PCminutes\2010\06 JUN\062210 PC FINAL MIN.doc